



**OFFICE OF THE COUNTY JUDGE  
LUBBOCK COUNTY COURTHOUSE  
P.O. BOX 10536  
LUBBOCK, TX 79408  
PHONE: (806) 775-1087**

**TOM HEAD  
COUNTY JUDGE**

June 16, 2011

Governor of the State of Texas  
The Honorable Rick Perry  
P.O. Box 12428  
Austin, Texas 78711-2428

Governor Perry:

Due to the extremely dry conditions that persist and the eminent threat of disaster due to fire, I am requesting that you extend the restrictions that The Lubbock County Commissioners put in place under 352.051(f) local government code and the Declaration of Local Disaster under 418.108 Texas Government Code.

Sincerely,

*Thomas V. Head*

Tom Head  
Lubbock County Judge

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Enc.

cc: TDEM State Operations Center  
Constituent Communication Requests

STATE OF TEXAS           §  
  §  
COUNTY OF LUBBOCK   §

DECLARATION OF DISASTER AND ORDER PROHIBITING THE SALE  
OR USE OF FIREWORKS IN LUBBOCK COUNTY, TEXAS

**WHEREAS**, Lubbock County, Texas has not had significant rainfall for an extended period of time, creating hot and dry conditions; and

**WHEREAS**, the hot and dry conditions pose an imminent threat of severe damage, injury, or loss of life or property resulting from the threat of wildfires due to drought, high winds, dry brush accumulations, and other weather related conditions; and

**WHEREAS**, the Texas Government Code Chapter 418 gives the county judge the power to declare a local disaster within the county “if the threat of disaster is imminent”, and

**WHEREAS**, the magnitude of the potential damage and the rapidity with which such fire could escalate to major proportions constitute an imminent threat of disaster; and

**WHEREAS**, declaration of such disaster authorizes the imposition of controls on activities which tend to increase the likelihood of fires; and

**WHEREAS**, such controls once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires; and

**WHEREAS**, a declaration issued under Section 418.108 of the Texas Government Code may include a prohibition or restriction on the sale and use of all fireworks within the county; and

**WHEREAS**, a local declaration expires seven days after its issuance, unless the commissioners court consents to its renewal or continuance; and

**WHEREAS**, the extent that a declaration includes the provision related to fireworks, any portion of the provision that exceeds the restrictions authorized by Texas Local Government Code §352.051 is effective only for 60 hours, unless the county judge requests, and the governor authorizes, an extension of the broader fireworks restriction.

**BE IT THEREFORE PROCLAIMED** that I, Tom Head, County Judge of Lubbock County, do hereby declare a local state of disaster based on the threat of large wildfires in Lubbock County, Texas.

**BE IT ALSO PROCLAIMED** that this state of disaster will continue until rescinded in accordance with the above cited statute, but in no instance will this Declaration continue for more than seven days without being authorized by the County Commissioners Court, or in the

event the Declaration pertains to fireworks, no more than 60 hours unless an extension of the restriction on fireworks has been received from the Governor of the State of Texas.

**BE IT THEREFORE ORDERED** that the sale and use of all fireworks is prohibited in Lubbock County, Texas for the duration of the Declaration.

**BE IT ALSO PROCLAIMED** that the purpose of the Order is the mitigation of the hazard posed by wildfires by curtailing the sale and use of all fireworks, which purpose is to be taken into account in any enforcement action based upon this Order.

Pursuant to §418.108(c) of the Government Code, this Declaration and Order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Lubbock County.

Pursuant to §418.108(d) of the Government Code, this Declaration of a local state of disaster activates the Lubbock County Emergency Management Plan.

This Declaration and Order shall take effect immediately from and after its issuance, **SIGNED THIS 16 DAY OF JUNE, 2011.**

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*Thomas V. Head*

Tom Head

County Judge, Lubbock County, Texas

APPROVED AS TO FORM:

*Gary Speer*

Gary Speer  
Assistant District Attorney  
Civil Division